

DECLARATION AS TO LOSS OF LETTERS PATENT

Docket No. 8688.6808

Original Patent No.: 5,634,706
Issued: June 3, 1997
Inventor: James E. Barry
Title: ILLUMINATED GAS TANK OR SHELL

I hereby declare that:

I am the applicant for a reissue patent based on the original patent identified below.

Name of Patentee(s): James E. Barry
Patent Number: 5,634,706
Title of Invention: ILLUMINATED GAS TANK OR SHELL
Reissue Application Number: June 3, 1997

The said original patent is lost or inaccessible.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Date: 6-01-99


Applicant

James E. Barry
Typed or Printed Name

Applicant or Patentee: JAMES BARRY
Serial No. or Patent No.: TO BE ASSIGNED
Filed or Issued: Concurrently herewith
For: REISSUE OF U.S. PATENT NO. 5,634,706
Title: ILLUMINATED GAS TANK OR SHELL

Attorney's
Docket: 8688.6808

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(c) and 1.27(b)) - INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under §41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled ILLUMINATED GAS TANK OR SHELL which is a reissue application of U.S. Patent No. 5,634,706 described in

- ☒ the specification filed herewith
☐ application serial no. , filed
☐ patent no. , issued

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ no such person, concern, or organization
☐ persons, concerns, or organizations listed below*

NOTE: Separate Verified Statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME:

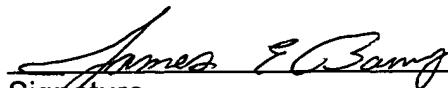
ADDRESS:

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

JAMES BARRY


Signature

Date: 6-01-99

REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket No. 8688.6808

Original Patent No. 5,634,706

Issue Date: June 3, 1997

Inventor: James E. Barry

Title: ILLUMINATED GAS TANK OR
SHELL

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name. I believe I am the original, first and sole inventor of the subject matter which is described and claimed in patent number 5,634,706, granted June 3, 1997, and for which a reissue patent is sought on the invention entitled ILLUMINATED GAS TANK OR SHELL, the specification of which

☒ [X] is attached hereto.

☐ [] was filed on as reissue application number and was amended on .

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

Pursuant to 37 CFR 1.178, I am the inventor of the original patent and I offer to surrender the original patent. Ownership of the patent is in the inventor, and no assignment of the patent has been made.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below.

☐ [] by reason of a defective specification or drawing.

☒ [X] by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ [] by reason of other errors.

At least one error upon which reissue is based is described as follows:

An error was made in not claiming an entire gasoline tank that is associated with an illumination element, as well as the method of construction for such device. The issued claims only pertain to a lighting device which is attached to a gasoline tank. The issued claims are also too narrow in that they are limited to a specific attachment location on the gasoline tank.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

James E. Barry

Full Name of Sole or First Inventor


Inventor's Signature

Coral Springs Florida

Residence

6-01-99
Date

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United States of America

Citizenship